

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed December 13, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Specification

The specification is objected to because of informalities. The specification has been amended as suggested by the Office, and the objection may now be withdrawn.

II. Claim Objections

Claims 19 and 20 have been objected because of purported informalities.

In response to the objection, Applicant has amended claims 19 and 20 to replace "comprise" with --comprises--, as suggested by the Office. In view of those claim amendments, Applicant respectfully requests that the objections be withdrawn.

III. Claim Rejections - 35 U.S.C. § 102

Claims 1-23 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Chan (U.S. No. 6,342,952). Applicant respectfully traverses the rejections.

The PTO and the Federal Circuit provide that §102 anticipation requires each and every element of the claimed invention to be disclosed in a single prior art reference. (*In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990).) Therefore, the absence from a cited §102 reference of any claimed element negates the anticipation. (*Kloster Speedsteel*

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AB, et al v. Crucible, Inc., et al, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986)). Furthermore, “[a]nticipation requires that all of the elements and limitations of the claims are found within a single prior art reference.” (*Scripps Clinic and Research Found. v Genetech, Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). Moreover, the PTO and the Federal Circuit provide that §102 anticipation requires that there must be no difference between the claimed invention and the reference disclosure. (*Scripps Clinic and Research Found. v. Genetech, Inc.*, id.).

In the present case, not every element of the claimed invention is disclosed in the Chan reference. Applicant discusses Chan and Applicant’s claims in the following.

Chan discusses a system for ink color approval by communication with remote locations and for supplying printing inks to remote locations for printing uniform colors. (col. 1, lines 5-9). Chan discusses a method for matching printing ink colors that enables the buyer of printed materials to obtain printed materials that have matching print colors, even when the inks are manufactured at different locations and the materials are printed by different printing companies and at distant locations, and even when the printing is done using different printing processes. (col. 1, lines 46-53).

Chan’s system provides a way for a customer to purchase ink, that when used in a particular printing environment (e.g., based on type of printing equipment, type of print substrate, color of print substrate, type of print process, press speed, etc.), will produce a desired color. Chan states the advantage of the system as follows:

The advantage of the invention . . . is that the locations for inputting the desired color, for matching the desired color to an ink formulation, and for manufacturing the ink according to that formulation can be located in different parts of the world, and yet the system of the invention can carry out the

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process from the initial input of the desired color through manufacture of the ink in a day or even in hours.
(col. 2, lines 39-47)

In describing the color matching process, Chan further states the following:

In a first step of the process, the printer-customer inputs information about the desired printing ink needed and other information that may be related to ordering the printing ink. . . . The information input by the customer includes the specific color needed and the identity of the printer, and preferably also includes the identity of the print buyer for which the printing is being done. Additional information regarding an order of the ink may also be input, for example the volume of ink needed, mode for shipping, the customer's location, and the customer's authorization of payment.

It is especially preferred to include additional information relating to the print substrate, printing equipment, and other information that may affect the color match on the substrate or performance of the ink. Examples of such information include, without limitation, type of substrate, color of substrate, print process (e.g., offset, gravure, sheetfed, flexographic, etc.), type of printing equipment, press speed, and/or type of ink or ink properties desired (e.g., UV curing, chemical resistant, solvent based or water based, air dry, heatset, etc.). . . .

A variety of methods for inputting the desired color is envisioned. In one embodiment, the desired color may be input as appropriate coordinates of a color space. . . .

In a second embodiment, the color can be selected from a library of colors shown on the customer's computer monitor. . . .

In a third embodiment, the desired color is input by scanning in a color standard using a scanner with accurate color reproduction capabilities, by photographing the color with a digital camera, and so on. The input color may be displayed on the terminal screen.

In yet another embodiment, the desired color can be specified by reference to a color in a color guide or swatch book of different colors
(col. 4, line 12 through col. 5, line 17).

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Thus, Chan's system permits matching printing ink colors even when the inks are manufactured at different locations and the printing is done, for example, at different locations, using different printing equipment, using different printing processes, using different substrate materials, and so on.

Applicant's claim 1 provides as follows (emphasis added):

1. *A method for facilitating color adjustment of imaging data, comprising the steps of:*
accessing imaging data to be printed;
prompting a user to select an area to be adjusted and a color that the area is desired to be;
receiving the area and color selections; and
adjusting the color of the area as desired.

Regarding claims 1 and 12, the Office asserts (page 4 of the Office Action) that Chan discloses accessing image data to be printed at Fig. 1, receiving area and color selections from a user at col. 3, lines 10-18, and adjusting the color of the area as desired at col. 3, lines 3-7. However, it clear from even a cursory review of Chan, that this assertion is incorrect.

Chan does not discuss imaging data in any respect. Chan does not discuss accessing imaging data. Chan does not discuss adjusting the color of imaging data. Chan does not discuss prompting a user to select an area of imaging data to be color adjusted. Chan does not discuss receiving the area selected for color adjustment. Chan does not discuss adjusting the color of the selected area.

None of what Applicant claims has anything to do with the teaching of Chan. Chan teaches a system that permits a customer who wants printed materials that will have matching print colors, to identify a desired ink color and other input information, and to

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receive a formulation for a color-matched ink. The formulation can be transmitted electronically to manufacturing equipment where the ink is produced according to the generated ink formulation. Chan's system can identify the desired ink color and the generated ink formulation with the customer so that additional ink batches of identical color can be prepared. (col. 1, line 54 through col. 2, line 17).

Accordingly, it is clear that Chan fails to teach various elements of Applicant's claim 1 as noted above. Thus, the rejection of claim 1 and its dependent claims 2-11 should be removed.

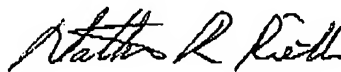
Likewise, as Applicant's independent claims 12 and 18 recite the same or similar elements as discussed above regarding claim 1, the rejection of claims 12 and 18 and their respective dependent claims 13-17 and 19-23 should also be removed.

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CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (208) 396-5287.

Respectfully submitted,



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I hereby certify that this correspondence is being
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